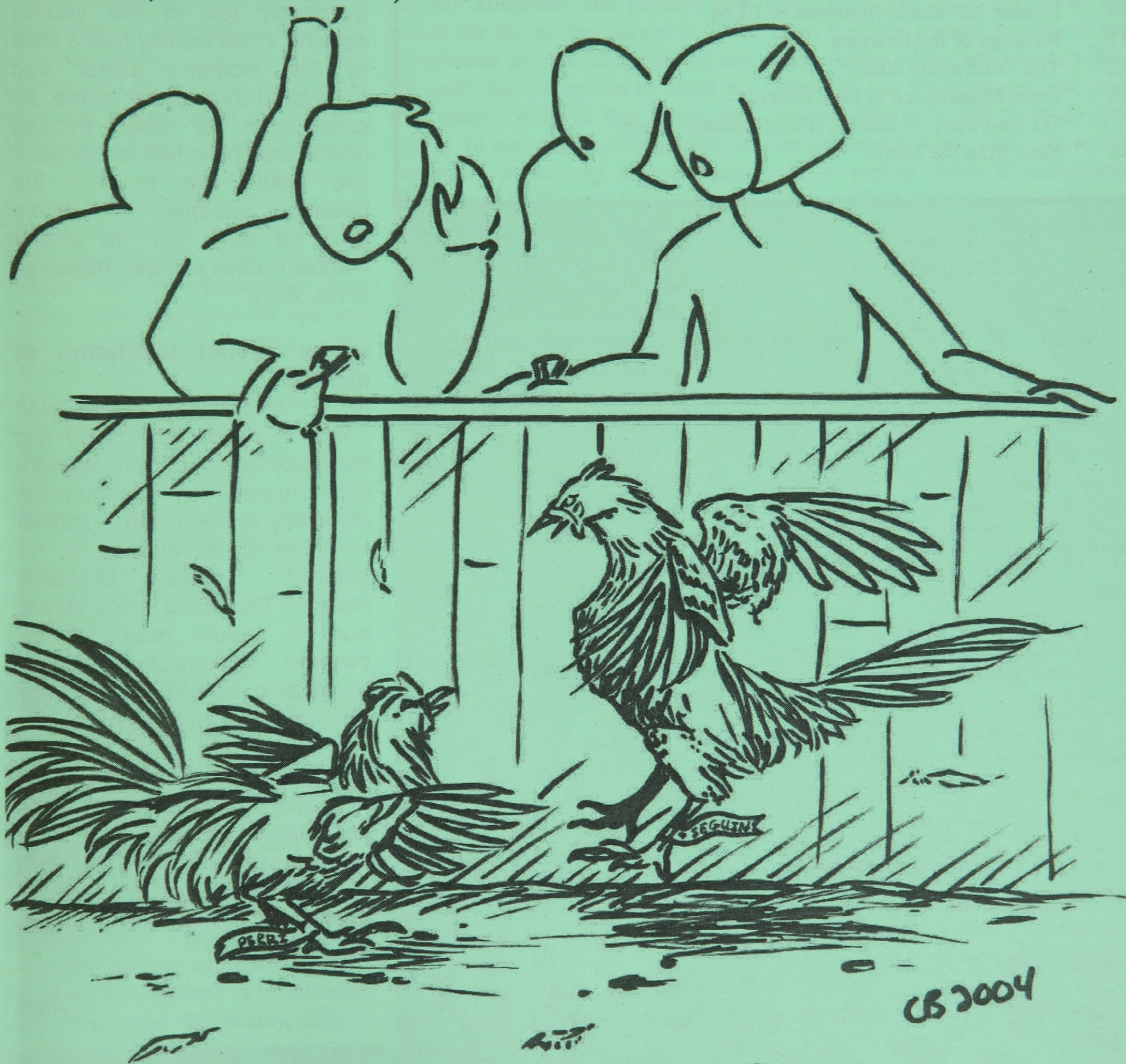


Quid Novi

McGill University, Faculty of Law
Volume 25, no. 6 - October 13, 2004



"ALTERNATIVE FUNDING SOLUTION?"

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QUID NOVI

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

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Week in Review...

Landlord in action

At an August hearing in Calgary, Alberta, four prostitutes testified against a 17-year-old male customer who had allegedly committed post-sex armed robbery against them. One of the four described the incident that eventually led to the youth's capture. While the boy held a knife to the woman's chest and rummaged through her purse, he came upon her recent eviction notice, prompting him to ask her if she would like to rent the basement apartment in his home (and he gave her his phone number in case she was interested in his offer).

Really sacred institution of marriage

In the village of Ceres, South Africa, in August, the family and friends of David Masenta staged a posthumous matrimonial ceremony so they could remember him forever as married to his beloved fiancée, Mgwani Molomo. This would a nice gesture but the actual marriage had become impossible because Masenta murdered the pregnant Molomo and then killed himself.

A very nice and confused judge

A judge in California told juror-candidates that if they were embarrassed to admit that they couldn't be fair, just to make up another excuse, and he'd let them go.

Aram

Editor's Page: Punctuation and bilingual faculty

by Aram Ryu, Co-Editor-in-Chief (Law III)

Being in charge of the *Quid* every other week has its benefits and problems. It certainly makes the workload lighter, but it creates a continuity problem in terms of editorials since I am not able to respond to the articles from the previous week. However, this arrangement gives me an opportunity to gauge the evolution of students' feelings on certain issues concerning the faculty. My co-editor-in-chief Jason does an excellent job but, as it is becoming a weekly trend of denying to be someone else, I am not Jason MacLean and I do not share the same view on many aspects of our legal and natural lives. It seems that bilingualism is a recurring leitmotif among students' concerns each year. François Beaudry wrote an article challenging the presence of a question mark in the article "Faculté Bilingue?", which was actually added by me in order to get a dialogue going between the students. (This article is now available exclusively on the *Quid Novi* website.)

It seems I have succeeded. Last week's issue was full of students' opinions on what passive bilingualism should be and what needs to be done to improve our bilingual policy. (In fact, I strongly encourage you to participate in the quiz that Delphine has put forth and send your answers to the *Quid*.) However, most did not question the major underlying principle: passive bilingualism itself. If people are supposed to be bilingual when they enter the faculty, does it

even make sense for them to complain about lack of courses offered in French? Some of you might consider this an Anglophone political bias, but rest assured, I'm not Anglophone. I'm actually allophone and perhaps that makes me the perfect person to have an unbiased opinion, or that makes me the least relevant person to speak on this issue: I'll leave that up to you assess. To me, passive bilingualism is competent in the way it is currently implemented. Being able to speak both languages fluently enough to attend a legal course or a seminar is a privilege that not everybody can enjoy. It must not be used as an excuse to discriminate against Anglophones to promote a divisive political agenda. The utopian view of the Faculty would be every course offered in both languages. However, the utopian model cannot exist in the current level of funding that the faculty (and the university) receive. Offering more courses in French is a great idea, as long as someone can pay for them. Until the Faculty can find sustainable additional sources of revenue, most of the courses have to be offered in English according to the principle of democratic representation. We are not in Université de Montréal where almost every student is francophone. In fact, I think it would be positive for Francophone students to voluntarily take courses in English since university is the perfect institution to try new things.

On a different note, David Sandomierski wrote a poignant take

on the departure of the Montreal Expos in his article "Ghosts of the big O". It is very tragic that the Expos had to leave us to go to Washington D.C.. It is not because we lost a baseball team since I'm not a big fan of the sport (perhaps making me one of the only Asians alive who doesn't like baseball) but the departure will cost the city both jobs and revenues that we desperately need. Also, just as the city is getting closer to completely paying off the building costs of the big O in 2006, there is no permanent use for the building! It might be time to think about demolishing the building that has so far symbolized the Olympic game where Canada didn't win a single gold medal and that cost the city and the province millions and millions of taxpayers' money. Did you know Canada is the only country in the world that didn't win a gold medal while hosting the Olympics?

Finally, I would also like to thank Caroline for drawing this week's cover. I would like to encourage you to write and draw for the *Quid*. As someone has mentioned in a previous issue of the *Quid*, the decline in student contributions is troubling. Not just our staff, but student cooperation is necessary in order to maintain the law faculty tradition of more than 25 years. There's nothing wrong with complaining: however, criticizing the situation must not overshadow the ultimate goal of improving the Faculty, and bringing students closer to create a cohesive student experience. ■

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<http://www.law.mcgill.ca/quid>

News Item: Patrick Healy Arrested for Crimes Against Fashion

by Mike Brazao (Law IV)

MONTREAL - Esteemed McGill Law professor Patrick Healy was arraigned yesterday at the Palais de Justice on several counts of committing fashion crimes, the Quid Novi has learned. The accused, who was arrested the previous day by the Montreal fashion police while giving a lecture to his Criminal Procedure class dressed in a Paisley and pinstripe ensemble, pleaded not guilty to 7 counts of murdering a suit, and 84 counts of assaulting the eyes of his students.

If convicted, Mr. Healy faces a maximum sentence of two years teaching at UQAM, plus 40 hours of fashion sensitivity training. However, prosecutor Jessica Braun conceded that she would not likely seek such drastic measures in this case. "The most important thing is that we get this man in the custody of a personal stylist, where he can be rehabilitated," she stated after the arraignment.

While the arrest is being hailed as a significant coup for the fashion industry of Montreal, and the prosecution's case appears incredibly strong, authorities were cautious about the prospect of a conviction, noting that several of their previous sting operations were foiled when Mr. Healy successfully excluded evidence on Charter grounds. On one notable occasion, a confession given by Mr. Healy to authorities that he wore brown shoes with black pants was deemed inadmissible, because upon arrest he was not advised of his right to retain and instruct a wardrobe consultant without delay.

Also arraigned yesterday was third year McGill Law student David Perri, who was charged with aiding and abetting

Mr. Healy's deviant haberdashery. When asked to respond to the charge, Mr. Perri insisted that his prosecution was the result of a gross misunderstanding: "Dude, when I wrote in the Quid that McGill Law needs 'The Clash,' I was definitely not talking about mixing checks with stripes."

While Mr. Perri was released on his own recognizance, Mr. Healy, as the more serious offender, was subjected to a bail hearing. In attempting to show cause for Mr. Healy's continued detention, Ms. Braun noted the severity of the charges and the fact that Mr. Healy has few ties to the fashion community. If released, she argued, he posed a significant flight risk to Toronto, where he would seamlessly blend in amongst hordes of Don Cherry look-alikes.

Mr. Healy, who is representing himself in this matter, was quick to rebut such allegations. "The last time I went to that dreadful Upper Canada, brown-on-beige suits with blue and red ties were actually en vogue."

After hearing both sides, the judge granted Mr. Healy bail, on the strict condition that he not come into contact with any impressionable CEGEP students, who might just be learning how to express themselves through the way that they dress.

As he left his arraignment, Mr. Healy had the misfortune of having to weave his way through a mob of nattily attired corporate lawyers.

"Murderer!" screamed one woman with a Chanel bag.

"Give him the chair!" cried a man in an Armani suit.

"Le Québec aux québécois!" shouted fiery francophile Marc-Andre Séguin, Law II, who was attending court as the

star witness for a Bill 101 prosecution involving a Beaconsfield restaurant that had English instructions on its restroom paper towel dispenser.

The apprehension of Mr. Healy and Mr. Perri, the result of a city-wide dragnet, brought no shortage of commentary from a shocked McGill Law community.

Jason MacLean, Law II, wrote a Quid editorial insisting that Healy's students deserved to be graded on a pass-fail basis, be given plenty of hugs, extra nap time on the classroom carpet, and various other forms of mollycoddling.

Former somebody Allen "Dink" Mendelsohn, Alumnus III, immediately wrote a Quid article insisting, to anyone who cared to listen, that he was still relevant. Fellow alumnus Edmund Coates wrote an article assuring everyone that he was not Allen Mendelsohn.

With the apprehension of Mr. Healy, fashion police may now focus their attention towards the capture of the other 3 members of their "Most Wanted" list.

Topping the list is professor Richard Gold, a hardened recidivist who has steadfastly refused to wear a suit while teaching classes. Last year Mr. Gold was reportedly on the lam in Italy, seeking fashion asylum in a country that, under the Versace treaty, does not extradite men who wear black turtlenecks.

Also wanted is professor Roderick MacDonald, for his stubborn insistence on wearing bowties, which has been a fashion crime since the Eradication of Nerdiness Act, passed in 1918.

Professor Lametti rounds out the deadly trio, for his habitual practice of wearing a cardigan that could easily cloak Refrigerator Perry. ■

Le Quid a besoin de votre inspiration! Envoyez-nous vos articles!
quid.law@mcgill.ca

Do Lawyers Dream of Electric Clients?

by David A. Johnson (Alumnus)

Probably, they do. It would be simpler.

A 25th anniversary is silver. In fact, I propose that this year be referred to as the Quid's Silver Jubilee. In 1977, it was the Queen's Silver Jubilee. Jubilee exudes all sorts of jubilant and regal connotations and is much swankier than a mere anniversary. What gleeful excitement I felt about the rumors eddying that alumni should submit to the Quid.

Language is an important issue in the study and practice of law. Previous articles have easily attested that Quebec is far from the only jurisdiction where there are two principal languages. Having worked in several offices and now a law firm, everyday phrases may not always mean what they seem. Let me provide some guidance about what lawyers mean when they speak during working hours or interviews. The first line, in quotations, is the lawyer tag line and the second line is the true meaning.

"Are you very, very busy?"

Are you so busy that you haven't eaten all day, have an aching bladder and don't know which file to complete first? If not, come hither young lawyer/stagiaire and

work for me now.

Or

Unless you are working for a senior lawyer, you are mine.

"How much time can you give me?"

I need you all day and evening.

"Was your wife's pregnancy planned?"

You still have time for sex?

"Do you have any hobbies?"

Don't make any plans during your articling.

"Do you have a copy of that?"

I've lost the original.

"I need it today."

I need it yesterday.

"I need it by late afternoon/after five."

I need it first thing tomorrow morning.

"Do what you have to do!"

Do everything possible to complete a mandate short of criminal or unethical conduct.

"I left my toge at the office."

Go back in a taxi to retrieve it.

"I need your input."

Figure out what is happening with this file so that I can go golfing.

"Paper it."

Keep a hard copy of anything and everything.

"What are you working on?" or "Who are you working for?"

Can I trump them and give you my work instead?

"Can you stay late tonight?" (*It is rare to hear this.)

Can you work until the wee hours of tomorrow morning?

"I can't find the file."

It is right in front of my face.

It is in my car.

My assistant has it and I didn't ask him/her where it is.

I've used it as kindling at the cottage by mistake.

We are out of toilet paper.

"He was very professional about it."

He didn't cry or go into a rage after being suddenly canned. ■

OCLs

All those letters,
The lateral columns,
For few spots of anxiety.

All those columns,
Wet, down the body.

The salty branch networks,
Pressed down storied halls.
Each leaf pummeled and rolled with drops.

"Good Morning. A sincere pleasure to meet you."

Draw me a box.

Sit there.

Let's hope it holds - mental health, like the hyphen, is a fragile currency.
But the job pays so deeply.

And so I ask myself: What does a failing grade look like?

A life based on perfect linear suspension? Or its definition? Limited, but with room for human creativity?

Wake hours hang on routine,
Even the mundane is rounded by its measured lapses of loss.

We all wear the dreamy cloak of HARD IDEOLOGY.

Sam Oliver Hall

The Green Column: Riding Towards Clean Energy Sources

by Émélie-Anne Desjardins (law IV)

Me revoici avec mes idées de grandeur et mes projets de sauver la planète. Comme le disent les Respectables (a group I hope Mr Perri has heard before... they're good) juste un p'tit geste peut changer le monde. Mais bien sûr, la taille d'un geste, c'est relatif. Une petite entité, comme vous et moi, pesons somme toute bien peu dans la balance lorsqu'on mesure notre influence environnementale individuellement: l'individu prend de petites initiatives, mais certaines entités peuvent avoir une influence beaucoup plus importante sur le cours des choses.

Ces acteurs ayant une influence énorme sur le sort de la Terre sont de natures diverses: les gouvernements, les organisations non gouvernementales, tel Greenpeace, la World Wildlife Foundation et Canards Illimités Canada, et les grandes corporations de ce monde. Si les ONG se battent pour la planète et les gouvernements sont ambivalents, il semblerait que les fabricants automobiles se mobilisent pour faire une différence. En effet, certains d'entre eux ont la possibilité de faire de bien impressionnantes choses pour notre planète. Ils tiennent le sort de notre couche d'ozone entre leurs mains... il est temps qu'ils en prennent soin!

Je n'apprendrai rien à personne en affirmant que les voitures sont une source de pollution des plus graves. Les gaz rejetés dans l'atmosphère tous les jours par les voitures sont des polluants nuisant à la qualité de l'air et à la jolie couleur rose de nos poumons tout en favorisant l'effet de serre et le réchauffement de la planète. Ces gaz sont les produits de la

combustion de l'essence dans le moteur d'une voiture. C'est ce procédé qui est à l'origine de tous ces effets néfastes sur l'environnement.

L'essence utilisée dans les voitures provient du pétrole. Cependant, au rythme où nous consommons présentement l'essence, les réserves planétaires de pétrole seront épuisées d'ici quelques dizaines d'années. Ce qui veut dire que la plupart d'entre nous verrons la fin de la voiture conventionnelle. Bien sûr, cette éventualité ne plaît pas plus aux fabricants automobiles qu'aux producteurs de pétrole, mais il faut parer au pire. C'est pourquoi, de plus en plus, nous entendons parler des automobiles pouvant fonctionner grâce à d'autres sources d'énergie que l'essence.

Il faut reconnaître que malheureusement, malgré l'excellence de l'idée, le motif laisse à désirer. Bien sûr, on parle de voitures au fonctionnement moins polluant, mais leur existence aura pris naissance dans la peur d'une perte de profits, et non dans le désir de sauvegarder l'environnement. Cependant, le résultat demeure souhaitable, et donc voici: place à la voiture du futur... la voiture écologique!

Focus : Innovation

Le Canada joue les cobayes! Dès novembre, des prototypes de voitures fonctionnant à l'hydrogène circuleront dans les rues de Vancouver. En effet, le Canada fait partie des pays où se dérouleront les tests visant à déterminer si ces nouvelles voitures fonctionnent bien

au quotidien. La ville de Berlin, en Allemagne, recevra également une flotte expérimentale de ces véhicules, tout comme les villes d'Orlando, Sacramento et Taylor aux États-Unis.

Environnementalement parlant, la voiture à l'hydrogène a toutes les vertus: elle puise son énergie d'un procédé chimique qui convertit l'hydrogène en électricité et dont la seule émission résultante est l'eau.

Oui, vous avez bien lu.

De l'eau. À boire. Pour arroser les plantes. Le machin transparent qui tombe du ciel quand il pleut, moins les substances acides. De l'eau. L'antithèse du polluant atmosphérique. Ce qui urge un questionnement sur le mérite d'une société qui permet que de bons lobbyistes empêchent la mise en marché de voitures à l'hydrogène au nom de magnats du pétrole voulant s'assurer de leurs gros profits futurs, au prix de la santé de nos forêts et de nos poumons qui, pendant ce temps, s'encrassent en désespérant de l'absence de solution de rechange.

Il semble que cette solution-ci ait eu la peau dure. Finalement! Voile-toi la face, muse de la crasse des déjections pétrolières, le futur est en marche, et d'ici, il a l'air vert!

Comble d'ironie, l'assemblage de la première de ces petites voitures à l'hydrogène, construites par Ford sur le modèle de la Focus, a été complété à Detroit (USA) le 29 septembre dernier...

**Assistant Dean Bélanger will offer an
INFORMATION SESSION ON
EXCHANGE PROGRAMMES**

**Wednesday, October 20, 2004
12h30 - 14h00, Moot Court**

Human Trafficking and Sexual Exploitation: A HRWG Workshop

by Sonia Singh

On Wednesday Sept. 29th, the Human Rights Working Group hosted a workshop dealing with the issues surrounding Extraterritorial Law and Human Rights: Child Sex Tourism & Human Trafficking. The featured speaker, Ben Perrin, is the executive director of the Future Group, a non-profit organization that assists victims of human trafficking and the child sex trade, and works to bring offenders to justice.

As a first-year law student with limited experience in the field of human rights, I really wasn't certain what to expect when going to the workshop. The very notion of human trafficking brings up such vivid, emotional connotations that it yields strong opinions on the issue. Indeed, I have to admit that I had my own preconceived (albeit ill-informed) ideas of what human trafficking entailed. Images of poverty, desperation and depraved conditions come to mind. To me, there was also an overwhelming sense of foreignness. This is a problem of another world, belonging to another people. We have all seen images of prostitution from places like Thailand and Cambodia. Somewhere in the back of our minds we might wonder how old these girls (and boys) are. Is it possible that they are children of 12 or 13 years old? The thought lingers and the channel changes ... another problem, another world. But what if this problem touched upon your world? Upon people you interact with on a daily basis? This is the very idea that was impressed upon us at the workshop.

The sex tourism and human trafficking industry has three main pillars that allow it to thrive: the traffickers, the holders, and the users. The traffickers are often linked with a criminal organization and they are concerned with securing children to sell into the trade. More often than not it is the parents that sell their child into this form of bondage in response to financial desperation. The holders are the ones that maintain the

situation of prostitutes, providing food and shelter in exchange for profits. Finally, the users are those who pay for sex. They are the drivers of this market, the ever-increasing demand that the supply must satisfy. Who are these people? Are they locals or foreigners? Perverts and deviants trying to find a quasi-legal outlet for their sexual interest in children? This was my impression. Who else would have such a fascination with children? The reality is that these users come from wide array of backgrounds. Sex tourists, soldiers, expats, locals and even students make up the list. Students? Ben Perrin conjured up a striking image of a backpacker he had seen with a Canadian flag sewn to his backpack entering a brothel in Cambodia. This was particularly challenging to me. It never occurred to me that someone in my peer group, perhaps even someone I know, may have participated in an act which, had it been performed here in Canada, would be considered heinous and criminal in the least.

So what is it that makes it okay in Cambodia? Perhaps it is a type of moral

relativism or a dissociation of one's own persona, the idea that "what happens on the road stays on the road." An offender with this type of mentality is what Ben Perrin calls a situational offender. It is someone who under normal circumstances would never engage in sex with a child but for some reason when placed in an environment where this type of activity is available, is tempted to do so. There are however consequences for these actions. Close to half of all prostitutes in Cambodia are HIV-positive. Although the use of condoms in Cambodia is being encouraged, the risk of being exposed to the virus by participating in the high-risk activity of sex for money remains high. In addition to health risks and the moral issue, there are also legal ramifications to engaging in sexual activity with a minor in another country. Although rarely prosecuted, having sex with a child in another country is a criminal offense in Canada. Bill C-27 included an amendment to section 7 of the Criminal Code of Canada, which allows for the criminal prosecution of Canadian citizens and permanent ►

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residents who engage in sexual exploitation of children abroad.

These issues probably never enter into the mind of a situational user. There is a sense of playing under different rules when one is immersed in a culture completely different from one's own. Making this information readily available to travellers is one of the Future Group's projects. The hope is that after reading about the ramifications of having sexual relations with a child, a situational user may think twice before crossing that line and that those who proceed will be

prosecuted. Targeting situational users is not going to solve the problem facing prostitutes in Cambodia. It won't change the life of a child with HIV. It certainly is not THE solution. But perhaps it may stop someone from sliding down the moral slippery slope where human rights are based on one's country of residence. Perhaps it is a start.

The Future Group has worked with local partners at every stage of human trafficking and sexual exploitation - from preventative education in rural villages,

identifying trafficking lanes, investigative work to identify children that are courageous enough to make a formal legal complaint, to rescue and rehabilitation, and reintegration. On the "demand" side of this problem, they work with law enforcement and the tourism industry to deter and prosecute foreigners suspected of child sexual exploitation. For more information about human trafficking, please visit <www.thefuturegroup.org>. ■

Ghosts at the Big O

by David Sandomierski (Law I)

Farewell to Nos Amours. Last week taught me - or rather evoked - two things. The first is that, like it or not, much of what we experience depends on whether a profit can be made. Baseball is capitalism personified. We have no inherent right to pro ball in this city; we can't expect benevolent owners to take a hit, year after year, to satisfy a minority of fans. Everything about baseball is a contest - not just what happens on the field but in the boardrooms and the stock exchange.

I couldn't help but feel like a victim of some larger, indomitable force. More precisely, I couldn't help but feel among victims. What broke my heart was a middle-aged man with shoulder-length blond hair, wearing a jean shirt and jeans, giving the stadium one final look. He stopped before exiting the bleachers, turned around, and stood in silent, shocked reflection. Before leaving he patted the concrete ramp with finality.

I saw a dad posing for a picture with his kid - couldn't have been older than five. They had terse smiles and the boy was holding a Youppi! banner. After the photo I noticed that he was crying. Crying at the stories he would never have

to tell? Because his team was leaving him? Another girl had made a fluorescent orange sign: "Laissez Nous Youppi!" Adieu indeed.

I went to Expos games largely to watch the people - to sit in the right field bleachers, eat poutine, and watch "our boy" - a teenager who was always there - always! - with his baby blue jersey and Coke. It was another world, something real, something beautiful. Something special, I felt. But something contingent?

* * *

Walking to school over the mountain this morning there was, miraculously, a single brown oak leaf suspended in the air, twirling on a spider thread. At the special cove of trees with deep rich grass a man was performing yoga for his bemused dog. The sun shone through and the tallest trees were already afire in autumn. We shared the quiet morning, temporary but real.

* * *

The second thing that last week taught me is that although a lot depends on financing, much does not. Life is not a contest. Baseball may be, the boardroom, the courtroom may be - even the classroom, at times, may feel like - champs de batailles. But only if we think they are.

Walking through the mountain I don't think, "I enjoy this park at the will and discretion of a political and economic elite," although, in a certain sense, I do. Instead I choose to believe that the ground is solid, and that what I'm experiencing is self-defined.

Just because we lost the Expos doesn't mean that our city is on the decline. It doesn't mean that the world at the Big O wasn't real. Our lives and the world we live in are not, like a baseball team, dependent on the sink and swim of profit. The world we see is the world we choose to see, and the abstraction that culture is a handmaiden to economy is, well, only one abstraction.

Our study of law here is its own world. We enjoy the same imaginative possibilities we have when we look out the window. We may choose to see the skyline of financial towers, or the interactions of the people in the street, or the daily miracle of trees. Surely, one day, we will play our part in the economic contest, likely with relish. But it's not the only game yet, and the freedom to choose a vision is a valuable thing. Thank you, Expos, for a lesson that is neither temporary nor contingent at all. ■

Confessions of an eBay

by Mariam S. Pal (Law III)

It all began one morning in Professor Lametti's Civil Property class. I can't recall why, but he started to use Ebay as an example of something or the other in property law. Aha! I thought, in a sea of strange and new concepts (estoppel, POGG, and causation), finally somebody's talking about something I can understand - shopping! That very same night I logged into Ebay for the first time. Wow! So much neat stuff. Thousands of shoes. I was hooked. A few months later, on my Christmas exam in Civil Property, I was stumped on a theoretical question. Argh! I sat there, wondering what to do. I had a flash - write about Ebay. Well to my great surprise I got a B+ on that question. I thought I'd failed. This taught me an important lesson. Ebay was good for my grades.

A lot of people have heard about Ebay but don't really know what it is. I guess my best description would be that it is a global online garage sale. If you want it you can probably buy it on Ebay. Once there was somebody selling something he called Nothing on Ebay. It was actually a piece of white paper with this piece of string arranged in some strange abstract pattern. Somebody actually bid on it. A couple of weeks ago I was surfing around vintage sweaters and found somebody who was selling some sweaters. They were also selling their ranch in Alberta for half a million dollars. Do you think I could make something like this up?

How Ebay works is that people auction things they don't want any more. Let's say you have something that you're sure you'll never need again. Hmm ... a common law property textbook?

Assuming you have already registered as a seller on Ebay then what you do is take a photograph of your beautiful book and write a description of it. (amazing chapter on perpetuities, the latest on Purefoy and Rogers!) Put a starting price, tell people how they can pay you and what the shipping charges will be. Then launch your auction. Most auctions last for seven days and people may write you with questions such as whether the book is highlighted. As a seller you can keep track of the bidding and even know how many people are just watching the item (this is sort of like bookmarking it). Once the auction is closed you contact the high bidder and tell them how much the postage will be. They pay you, probably through Paypal (an electronic payment system) and you wrap up your book, secretly wish it good riddance, and trot on down to the post office. Easy.

You may be wondering what keeps people honest in all of these transactions. It's something called online feedback. Buyers leave feedback for sellers once they have received the goods and sellers leave feedback for buyers. Nobody wants to have negative feedback so most people pay promptly and most sellers are careful to describe their items accurately and encourage people to e-mail them with any questions before they place a bid. Incidentally, every time you place a bid on Ebay you're reminded that you are entering into a contract. Offer and acceptance, remember?

At first, my Ebaying was largely confined to buying. I got some great stuff. A couple of vintage coats and my personal favorite, an unused Expo 67

souvenir scarf. I found this scarf on the day before my last exam in first year. I had six exams and totally lacked the energy to study any more. So I surfed Ebay and found this wonderful scarf.

A few months ago I decided to move apartments within the same building, from the second floor to the fourth floor. Upon inspecting the new apartment I discovered to my horror that the new apartment, while exactly the same in every other way, had one less closet. Faced with such a challenge I came up with an innovative solution. I would get the closets professionally done in my new apartment and pay for it by selling some of my stuff on Ebay. I registered as a seller, took photos of all my stuff and started my first auction. It was a hit! There was a bidding war between two women over a pair of ridiculous gold sandals that I had bought for a wedding and only worn twice. They ended up selling for more than what I had paid for them. Within two months I had raised enough money to pay for my closets and then some. My closets look like something off one of those HGTV shows. I keep on buying and selling. My stuff has been bought by people all over the world, some as far away as Australia. But most of my things are bought by Americans. And funnily enough, my only two negative experiences have been with Canadian buyers.

Well enough of this. An auction I'm watching is ending in ten minutes and it's time I posted a few things for sale. You see, I realized it's time that I sell my pink wig ... ■

Watch out on November 4th...

Former MP Meets Members of ELM

by Gord Cruess (Law II)

On Wednesday Oct. 6, Environmental Law McGill was very fortunate to host Mrs. Karen Kraft Sloan, a former Liberal Member of Parliament (York North) for a discussion about politics and the environment. Mrs. Kraft Sloan was first elected in 1993, and again in 1997 and 2000; she chose not to run in the last election. During her time in Ottawa, she was - amongst many other duties - the parliamentary secretary to the Minister of the Environment and the vice-chair of the Standing Committee on Environment and Sustainable Development.

Mrs. Kraft Sloan prefaced her remarks by stressing the privilege of attending a faculty such as ours, and by encouraging us to pursue those paths that we think will be most interesting and fulfilling. "If your 20s are for learning, and your 30s and 40s are for earning, just make sure you don't spend your 50s yearning," she cautioned.

When Mrs. Kraft Sloan went into politics, there were certain issues that were of particular import to her. The environment had always been a major concern of hers, as had the welfare of children and the problems born out of child poverty. Finally, because the times were tough economically - "everyone was just talking about jobs, jobs, jobs" - the pursuit of small business interests in her riding became a focus.

Our talk revolved primarily around the first issue. Mrs. Kraft Sloan told us that she has been wrestling with the notion of "environmental justice," and what that idea might encompass. While she admitted that she hasn't come to a precise conclusion, she did say that there are some major factors that need to be considered in order to try to arrive at an answer.

First, people. Those who are most immediately and poignantly affected by environmental degradation tend to be

vulnerable groups that aren't involved in policy debates. A major criticism of the environmental movement is that it is a cause disproportionately represented by middle- and upper-income white people. Mrs. Kraft Sloan argues that it is imperative that environmentalists reach out to all of society so that the movement can become more diverse, and so that it can better address the most pressing social concerns bound up with environmental problems.

Second, places. Which regions are hardest hit by adverse changes to the environment? One of the issues that Mrs. Kraft Sloan was most involved in before leaving Parliament was generating more funding for Northern research. By 2003, Canada had ratified the Kyoto Accord and the Persistent Organic Pollutants (POPS) protocol, yet Government contributions to scientific research in the North - the area most affected by the problems these agreements seek to address - had been on a steady decline for years. Policy ends didn't add up with policy means, so Mrs. Kraft Sloan began a campaign to rectify this problem. Some of you may have noticed the paragraph about a Northern strategy in Tuesday's Speech from the Throne (or Screech from the Drone, as a former assistant to Mrs. Kraft Sloan is fond of calling it). Canadians saw, further, additional funds allotted to Arctic research in the 2003 budget. Much credit for this progress is due to Mrs. Kraft Sloan for her effective lobbying.

Third, process. Mrs. Kraft Sloan stressed the importance of consultation and transparency in the creation of environmental policy. For example, the public's access to environmental assessment information was a central problem that needed to be addressed in the Chrétien government's review of the Canadian Environmental Assessment Act. Process also implies responsibility, since it is up to us to push for broad-based inclusion on important policy matters:

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parliamentarians and the public must hold the Government accountable by using the tools - be it a vote, a letter, involvement in the community and so on - available to them.

Shouldering responsibility and pushing for change is exercising leadership. This was one of the most valuable lessons of Mrs. Kraft Sloan's visit. There is tremendous pressure, for instance, on government backbenchers to toe the party line in the House on important legislation, even on matters that aren't strictly confidence votes. It is nonetheless up to these MPs to stand up to Cabinet when principle demands it. "I knew when I was elected that there could come a time when I might have to cross the floor," Mrs. Kraft Sloan told us. "I've always believed that if you do that, you should sit as an independent, because

your constituents elect you based on your party affiliation." Fortunately, it never came to that. Instead, Mrs. Kraft Sloan used creative thinking to effect progressive change when the Government backpedalled on environmental issues. For example, during the Environment Committee's debates on the much maligned Species at Risk Act, Mrs. Kraft Sloan introduced 700 amendments "to see what I could get." In the House, Mrs. Kraft Sloan convinced 30 Liberal MPs to vote against the Government on a few particularly unpalatable provisions, which was enough, given Opposition support, to defeat the Government on those articles. Cabinet, knowing it didn't have the votes, backed down so as to avoid such an embarrassment. "Then we had a chance to negotiate with the PMO," Mrs. Kraft

Sloan smiled. The bill isn't great, but it's better than it might have been: "You've got to work every angle that you can - as lawyers, as politicians, as journalists, as whatever you choose to do - if you want to get something done."

Mrs. Kraft Sloan has been pushing environmental issues for over a decade, and she's still not sure how to define environmental justice. So it was pretty daunting when she put the ball back in our court, by asking us, as budding lawyers, what we thought justice itself was. Well, what do you think? Mrs. Kraft Sloan's challenge to us was to figure out what it is we want to fight for. No small task, but a responsibility worth shouldering. ELM is very grateful for her visit, and we extend our thanks. ■

Revenge of the Lawyers

Kirsten Mercer (Law II)

So, as it turns out, Alpha Delta Phi is a fraternity... and not a bad bunch of hockey players either! After my confusion last time, I was set straight by one of the society's members, also a member of this Faculty. There is quite an involved history between the Faculty and the Fraternity, something that an actual journalist might find worth exploring... Perhaps in these pages... But since I am neither a journalist, nor even really a sports writer, I will leave it at that.

Actually, the Force's second hockey game, late last Friday night, sort of reminded me of a movie I saw a few years ago. Come to think of it, it was well over a decade ago... Oh man!!! I just googled this movie, and (much to my horror!!! And probably some of yours!) this movie is currently celebrating its 20th anniversary. It is actually older than some members of my class!

Well, all the more important to bring this movie to your attention. The movie is an unmistakable classic: "Revenge of the Nerds".

Now, I am not calling our hockey team nerds... but the coming from behind

struggle of a bunch of smart, slightly out of shape, hard-fighting guys against the lean, mean Greek (society- not ethnicity) team certainly has its parallels.

In the first period, the Force was clearly being dominated by their opponents. The Alphas were faster. They were tougher. They were scoring goals. Much like the movie, it wasn't until one of the Alphas beat up on one of the Force, dislocating his shoulder, but making it look like he had tripped over his own skates, that things began to turn around.

Instead of letting the injury get them down, the plucky Force Majeure dug deep and started on the road to a comeback. The team battled back from a two goal deficit, bringing the score to a tie towards the end of the second period. Following the go ahead goal, the team was feelin' good. Kind of the way the Nerds felt when they thought they had earned the coveted acceptance of the Greek Council.

But before the Force could say "Lamba! Lamda! Lamda!" the Alphas had scored again, bringing the score to a 3-3 tie. Now if this were a movie, this is

where the game would go into overtime. The coach would give the team a meaningful speech, the captain would yell something loud, and the team would come back to score a quick overtime goal. Unfortunately, this is not movie-land, and the Alphas scored on a lucky shot that somehow managed to squeeze between the goalie's pad and the post with about 3 seconds left in the game.

Besides, those of you old enough to remember "Revenge of the Nerds" will know, there is always next time! The Force doesn't play the Alphas again until next semester, but they'll be ready! The good thing about the movies is you can always make a sequel.

After a week's rest, and a chance to recover, the Force will take on the Ice Kings on Tuesday, October 12th at 8:30 pm. The Force has been really impressed by the great fan support so far this season, and the team would love to see the Faculty out for this game. I wouldn't want to be over-confident, but I think there may be a "de-throne-ing" coming, and your cheering could make all the difference! ■

The Truth about Allen

Edmund Coates (Alumnus)

The hysterical denial in the October 5th edition of the Quid shows that it's time to pierce the tattered remains of years of deception. "Allen Mendelsohn" really is Edmund Coates. This truth will explain many things to those who were shocked, appalled, or merely bored by certain goings on at the law school.

For example, "Allen's" fervent campaign for the legalisation of marijuana was really driven by fear. When skilfully deployed, government control cultivates a uniform mediocrity (e.g., the pressures on our university system). This dulling effect needed to be forced on the marijuana industry, in order to preserve the "Allen Mendelsohn" - "Edmund Coates" deception. The pot on the Montreal market is of steadily increasing quality, with higher levels of T.H.C.. In order to compete, the lower quality pot is often spiced with a touch of P.C.P.. Such bonus psychodynamic effects risk loosening the train of thought of at least a few law students. It would then only be a matter of time before they added two and two, and wondered why "Allen Mendelsohn" and "Edmund Coates" have never been seen at the same place at the same time. As well, "Allen Mendelsohn" and "Edmund Coates" have never had the same hair-style as each other; have never worn the same type of clothes as each other; have never dated the same types (or hardly ever? you never can tell).

The clan Mendelsohn has long been familiar with illusions clashing with illusions. For example, grandfather Mendelsohn had some experience in

injury actions against Montreal's streetcar company. As in other types of practice, the clients varied in their moral fibre. In one case, the client testified to the court as to the events leading to his injury. In reply, the streetcar company's counsel presented a witness who had seen the whole thing. Her vivid testimony showed how the passenger had been himself totally to blame. During this testimony, the client whispered insistently to Mendelsohn the Elder, telling him to ask for a recess. Mendelsohn obliged. In the courthouse cubicle, the client said "that witness is a complete liar". His lawyer told him not to worry, that he would steer that witness towards the truth during the cross-examination. The client said "no, you don't understand, she is a complete liar, the accident never happened". Apparently the suit then quickly went into hallway negotiations and was settled.

But why all the effort to construct this character "Allen Mendelsohn", given how its ebullience and gregariousness rendered its possibility slightly implausible? This double for "Edmund Coates" was precisely meant to camouflage another double: Vlad. I am "Vlad" of the "Vlad-o-Meter".

Since I seldom pass through the law school now, Vlad has more or less faded away this year. But I feel I owe it to his shadow to leave a trace of him in the Quid. For years, when I passed through the lobby of New Chancellor Day Hall and felt like it, I would write on the North blackboard "Vlad-o-Meter" and a number.

Vlad's numbers were completely random. Yet their steady appearances led

people to assume that they meant something. I did not go around introducing the Vlad-o-Meter into conversation, but from mentions people would make, they typically assumed that one of the Vlads around the law school was a bit egotistic and needed to continually let people know the state of his mood. Because they attributed this motive to Vlad, some law students found him annoying.

So the anonymity of Vlad was important. Once I started putting up the Vlad-o-Meter, I continued it, because part of its point was its continuance, just for the sake of its continuance. But I also saw it as almost an artistic act. The status and self-respect economy of the law school tenses itself into being on the frame of a long series of numbers: numbers on exams, numbers on assignments, and numbers of rankings. Hours and years of experience are forced into narrow series of numbers. So there is a continual effort among a sizable segment of the law school to invest these numbers with far greater meaning than they deserve (and a surprising undercurrent, among the students, towards educational conservatism).

Vlad was of the law school, and yet not of this economy. His numbers were wholly his own. Yet, since they were not numbers worked out in a community, they were in truth condemned to be meaningless. They slipped inescapably every week into the void. As for Allen Mendelsohn and Edmund Coates? Only their hairdresser knows. ■

Submit to the Quid!
quid.law@mcgill.ca

From Malpractice to Law School

by Caroline Briand (Law II)

In a previous edition of the Quid, readers were told of the obscure (well, for non-second-years who hadn't already heard about it in last year's Foundations class) relationship between baseball and law.

In case you were wondering if something could ever be geekier, here's an overview of a coincidental relationship between thoroughbred racing and law.

My story starts somewhere in England in the 1860s, when a mare - aptly - named Malpractice was bred to a stallion called Wenlock. Their daughter, Deadlock, was sold for only 19 guineas to one Captain Machell, who also happened to be the owner of Isonomy, probably the most impressive stallion in England at that time.

Isonomy was the great-grandson of the Irish Birdcatcher, who was as well known for his success on the turf as for his peculiar white-spotted, sorrel coat. Birdcatcher was himself the grandson of Whalebone, who is considered by many horsemen and breeders today as the most influential sire in thoroughbred history. Whalebone's ancestors include many landmark stallions such as Pot-8-Os, Eclipse, and the Darley Arabian, the most famous of the three foundation sires of the breed.

What is most interesting for us, however, is the descent of Isonomy and Deadlock. In 1890, Deadlock foaled Isinglass, an easy-going bay colt. Although he offered some great performances on the turf in England, Isinglass had more success in the stud.

In 1898, he was taken to Ireland by Major Eustache Loder where he sired a fast and tall chestnut colt called Starshoot. After an impressive racing debut in Irish and British events, Starshoot had to retire at the early age of three after he developed breathing problems. In 1901, Starshoot moved to Paris, Kentucky, where the air is warmer and where the grass is greener. In 1912, the stallion was sold to a breeder called John Madden. In 1916, this gentleman had the brilliant idea to breed Starshoot to one Lady Sterling, as a result of which a chestnut foal called Sir Barton was born.

As a two-year-old, Sir Barton didn't look like a racing champion. He was short and compact, and he had the sensitive feet and capricious behaviour of his sire. Halfway through his second year, he was purchased by Commander John Kenneth Leveson Ross, Montrealer and thoroughbred enthusiast, son of James Ross, co-founder of the Canadian Pacific Railway.

In his third year, Sir Barton made history in being the first horse ever to win the American Triple Crown. In 1919, J.K.L. Ross had him entered in the Kentucky Derby, but only to serve as a "rabbit" for his stablemate Billy Kelly. That day on the muddy track, Sir Barton won the Derby by five lengths. Only four days later, under the pouring rain, the Canadian-owned stallion won the Preakness Stakes. He eventually also took the Belmont Stakes, by coming first before two astounded opponents.

Sir Barton wasn't as dominant on the

track as a four-year-old, although he managed to win five major races. As a matter of fact, his fourth year was marked by his painful defeat by seven lengths against the legendary Man O' War.

By the end of his horse's career, J.K.L. Ross had earned almost \$120,000.

Unfortunately for him, it seems that Mr Ross was better at picking good horses than at administering his wealth. In 1913, his father died and left him his fortune and his Montreal mansion, better known today as Old Chancellor Day Hall. By the early 1930s, J.K.L. Ross had spent all of his fortune on luxury boats, racehorses, and big parties.

Before he went bankrupt, Mr Ross had promised McGill University to make a \$100,000 donation in exchange to have a building named after him. However, due to his financial situation Mr Ross couldn't pay, so McGill University basically decided to sue him to enforce his promise.

After the Supreme Court rendered a decision in their favour in *Re Ross*, [1932] S.C.R. 57, the university acquired the mansion which, in the end, was never named after the Ross family. (The house in which J.K.L. Ross himself lived is now the bioethics building, sometimes called the Ross House, just across Peel Street from our library.)

Maybe it's just my geeky interest in remote coincidences involving horses and/or legal stuff, but I can't help smiling when I think that our beloved Faculty of Law was born - only in part, of course - out of Malpractice and a lawsuit. ■

On the Poetry of Kerry's (First) Debate Victory

by Joseph Adams (Law III)

The Bush team had constructed, it seems, a pair of impossible views which the president himself had chosen to believe. One, that the belligerent, abrasive, unilateral stance on Iraq was the correct one and two, that

Sen. Kerry was some sort of incompetent, indecisive fool.

And there was the man himself on a stage in Florida, articulating with intelligence and conviction a healthy,

global vision, a strong and noble America leading the way. Appealing to and inspiring the best in us; exploding both fictions with such beautiful force. Leaving Bush in a ridiculous fog. Anointing an American president. ■

Stats Miss the Mark

by Adrian Lomaga (Law I)

While Kara Morris and Neil Modi have demonstrated their counting skills in the past two Quids, there was one number they omitted - 0. Zero is the number of shy people who ran for positions on the LSA. The shy contingent of the student body thus remains completely unrepresented.

Does this mean that the LSA, a body that strives to represent the diverse nature and needs of all students, lacks legitimacy? Of course not. The interests of shy students and those students who are politically inclined are not necessarily divergent on the basis of shyness.

Why then, should it matter whether there are two, five, or ten females on council? Is not the critical criterion that enables one to run for a position on the LSA the fact that one is a law student? Is that not the crucial line, only beyond which it is reasonable to question the legitimacy of an LSA council? If it were made up entirely of music students, say? The LSA is meant to further the interests of law students, not those interests exclusively belonging to animal-lovers, blue-eyed individuals, or (dare I write) even of women.

By allowing gender to provide a basis upon which the legitimacy of the LSA can

be questioned opens the door to the marginalization of groups whose identity cannot be as readily determined. For example, how many Torontonians or students with children sit on council? Perhaps they too have endured persistent discriminatory treatment at the faculty but have not enjoyed a popular liberation movement to help bring their cause into the limelight.

Nevertheless, the fact remains that no candidate campaigned on the basis of either of those identities. What matters is that all members of the LSA are law students and as such, can validly represent our common interests. ■

Dites moi comment vous écrivez dans le quid et je vous dirai qui vous êtes.

par Delphine Néant (Law II)

1) Quelle est votre langue de publication?

- a) langue maternelle
- b) langue apprise ultérieurement
- c) un paragraphe en français, un paragraphe en anglais
- d) des mots par ci par là dans la langue apprise ultérieurement

2) Quelle est la raison sous-jacente de votre choix de langue?

- a) un gain de temps
- b) être politiquement correct à McGill
- c) une volonté nationaliste
- d) euh...pas de raison...je voulais juste écrire un article...

3) Quel genre d'articles écrivez-vous ou souhaiteriez-vous faire partager?

- a) Ma réflexion sur le Québec dans le Canada
- b) juste raller sur tout et n'importe quoi
- c) la promotion d'un événement à la faculté
- d) mon dernier poème écrit dans un moment de passion

4) Quel est le ton de votre article?

- a) très relax; après tout le quid n'est que le journal de la fac
- b) engagé; je crois en mes idées et je pense important de les communiquer

c) destructeur; comment cette personne a-t-elle osé critiquer mon article de la semaine précédente

d) neutre, j'argumente les deux thèses pour exercer mon talent de futur avocat

5) Ecrivez-vous souvent dans le quid?

non....j'ai complètement merdé la première fois...personne n'a compris ce que je voulais dire
je refuse de participer au lynchage qui sévit
oui, ma prose est fabuleuse
j'écris pour moi, pour mes amis, donc c'est variable

A vous de jouer!

Faculty of Music: Celebration of 100 years of excellence

Dear Colleagues and Friends,

This year the Faculty of Music will be celebrating 100 years of excellence at McGill. The leading music faculty in the country has organized many jazz and classical music concerts to commemorate this event.

The quality of musical performance can only be rivalled by the Montreal Symphony Orchestra, and many of the events cost less than \$10 to attend.

Here is a list of some events planned for homecoming weekend (October 14th to 17th).

Thursday, October 14th:

7:00 p.m. (\$10) Pollack Hall: Reception and jazz concert for 100 years of music at McGill

Friday, October 15th:

6:30 pm. (free) Pollack Hall: Faculty of Music Dean's Reception and Baroque Concert

8:00 p.m. (\$5) Redpath Hall: McGill Baroque Orchestra and Cappella Antica

8:00 p.m. (\$3) Pollack Hall: McGill Conservatory staff concert: Muczynski Trio.

Find out more by visiting the Faculty of Music website: <http://www.mcgill.ca/music/>

Stay Classy McGill Law.

Andres Drew
VP External

We all go through this...

It's 9 a.m. and there I am, skipping class to be on time for an appointment. I walk up to the secretary and give in my Health Card. With a nice smile she tells me to have a seat and that the doctor will be right with me. As if to decrease the angst, I sit and try to read a two month old issue of "Reader's Digest," and eavesdrop on the bickering elderly couple across from me.

Twenty minutes go by and just when I'm starting to get annoyed, the doctor finally walks out. He looks at me and says, "Good morning." I smile and stand up, but he says in his professionally comforting voice to sit down for a second and I'd be next. So I sit back down and continue to wait at his mercy.

At 9:45 I finally get to see the doc for my regular checkup. At this point I'm excited to go into the office. Should anybody ever be excited to go into the doctor's office? Maybe it's all in their master plan. Well as soon as I'm told to undress and sit on the cold, crinkling paper of the examination bed, the excitement wears off. Like usual, I get subjected to the cold stethoscope, the rubber glove, the needle, and of course the many uncomfortable questions that only *they* can ask without getting sued.

The psychological torture takes seven minutes, but I suspect the healing required afterwards takes much longer. As I walk out of the office, I begin to think of how I, the law student, can mitigate the severity of it all ...
BRING BACK THE MALPRACTICE CUP! LAW STUDENTS UNITE!

McGill Faculty of Law v. McGill Faculty of Medicine [2004] Q.N. 12345

Facts:

On Saturday October 16 2004, the law students of McGill University will be taking on the medical students to win this year's Malpractice Cup. The Malpractice Cup is a symbol of professional superiority and is the most prestigious award any faculty can display. The two faculties will compete against each other in a day of sports, trivia and fun games.

Issue:

1) What is the day going to be like?

Held/Ratio:

Schedule:

12:00 Malpractice Obstacle Course & Pop Culture Trivia @ Reservoir Field

1:00 - 2:00 BBQ Lunch

2:00 - 3:30 Ultimate Frisbee and Dodgeball @ Main Campus Lower Field

3:30 - 5:00 Soccer and Touch Football @ Main Campus Lower Field

5:00 - 6:00 7s Rugby

9:00 - Party @ location TBA

Notes:

Cost: \$10 – included is a BBQ lunch, McGill Law Athletics T-Shirt

To sign up, look for the gorilla!

POINT: COME SHOW OFF YOUR ATHLETIC PROWESS AND SCHOOL SPIRIT IN THIS YEAR'S MALPRACTICE CUP.